

REMARKS

This paper is responsive to the Office Action mailed July 1, 2003. In the Action, the Examiner considered claims 15-20 and 24-30, of which claims 20 and 27 have been withdrawn from consideration. The Office allowed claims 25, 26, and 28-30, and rejected claims 15-19 and 24. The Office also objected to claim 15.

Drawings

The Office objected to Figures 1 and 3-34 because M.P.E.P. § 2422.02, third paragraph, requires that sequences be identified either in the drawing or in the Brief Description of the Drawings. In response, Applicants have amended the Brief Description of the Drawings, as required by the cited M.P.E.P. section. Applicants respectfully request the withdrawal of the objection.

Claim Objections

The Office objects to claims 15 and 19 for several reasons. In response, Applicants have amended claims 15 and 19 to address the Office's objections. Applicants respectfully submit the amendments are entirely responsive and obviate the Office's objections. Applicants request the withdrawal of the objections to claims 15 and 19.

Claim Rejections - 35 U.S.C. § 112

The office rejects claim 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for depending from a canceled base claim. In response, Applicants have amended claim 16 to recite that it depends from claim 15, now pending. Applicants respectfully request the withdrawal of this rejection.

The Office also rejects claim 19 under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting "ii)," but not "i)," and for repeating elements in the claim. In response, Applicants have amended the claim to delete the unnecessary and redundant language, thereby obviating the rejection. Applicants request the withdrawal of this rejection.

The Office rejects claims 15-19 and 24 under 35 U.S.C. § 112, first paragraph, for the recitation of "variants." The Office asserts that while the specification enables the base sequence, it does not enable "variants" of the sequence. The Office acknowledges that Applicants have defined "variants" but notes that Applicants' definition does not require that the "variant" have the same immunological characteristics as the reference polypeptide.

In response, Applicants have amended the claims reciting "variants" to require that such "variants" have the same immunological characteristics as the reference polypeptides. Applicants submit that this amendment should obviate the Office's rejection, in that the claim now requires that variants have the "same immunological characteristics" as the reference

polypeptides. Thus, the claim should not extend beyond what Applicants have very clearly enabled.

In view of the foregoing remarks and amendments, Applicants respectfully submit that the claims under consideration are in condition for allowance. Applicants respectfully request the reconsideration and re-examination of this application, and prompt issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned attorney to discuss actions that may be taken to place this application in condition for allowance.

Respectfully submitted,

Date:

11/03/03

By:

Sean C. Myers-Payne

Sean C. Myers-Payne

Reg. No. 42,920

ph: 614-621-7754

fax: 614-621-0010

e-mail: smyers-payne@calfee.com